

FairPoint Communications, Inc.
State of New Hampshire
Docket No. DT 07-011

Respondent: Peter G. Nixon
Title: Chief Operating Officer

REQUEST: One Communications

DATED: June 11, 2007

ITEM: ONE FDR III-11 Please refer to FairPoint's response to One-FP-III-19 in which FairPoint states that it "does not concede that it will become a 'BOC' as a result of this transaction and, thus, become generally subject to Section 271 of the Act."

- (a) Is Verizon New England Inc. the same company as, or a successor to, New England Telephone and Telegraph Company, which is defined as a Bell Operating Company by Section 3(4)(A) of the Act?
- (b) Does Section 3(4)(B) of the Act include in its definition of a Bell Operating Company "any successor or assign of any such company that provides wireline telephone exchange service"?
- (c) Will FairPoint, as a result of the Transaction, have local exchange assets of Verizon New England Inc. assigned to it in three states?
- (d) Will FairPoint provide "wireline telephone exchange service" in Verizon New England Inc.'s current local service territory following the Transaction?

REPLY: **OBJECTION:** FairPoint objects to Data Request FDR III-11 on the grounds that it seeks a legal conclusion. Subject to and without waiving this objection, FairPoint will provide information responsive to Data Request III-11. [Objection served June 18, 2007.]

- a) Yes.
- b) The words quoted in this data request appear in Section 3(4)(B) of the Act.
- c) FairPoint does not believe it will own the Verizon assets as a

result of the merger of Spinco into FairPoint. There is no assignment from Verizon New England, Inc. to FairPoint.

d) Yes.